

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission
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**IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S
COMPLIANCE WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF 1996**

Docket No. T-00000A-97-0238

**COMMENTS OF AT&T AND
TCG PHOENIX ON TESTING
PROCEDURES USED IN OTHER
STATES**

AT&T Communications of the Mountain States, Inc. and TCG Phoenix
(collectively "AT&T") file the following comments in response to Staff's Errata Notice
dated December 30, 1999.

I. INTRODUCTION

On December 22, 1999, AT&T Communications of the Mountain States, Inc.,
TCG Phoenix, MCI WorldCom, Inc., on behalf of its regulated subsidiaries, Sprint
Communications Company, L.P. and Rhythms Link, Inc. (collectively "CLECs") sent a
letter to Maureen Scott, Arizona Corporation Commission, with a copy to the parties on
the service list, raising issues concerning several decisions made by Cap Gemini Telecom
("CGT") and the Arizona Staff on the processes to be used for conducting meetings
concerning testing of the U S WEST Communications, Inc.'s ("U S WEST") operations
support systems ("OSS"). On December 30, 1999, the Staff faxed an Errata Notice to the
parties advising that a one-half day workshop would be held on January 13, 2000, to
address the issues raised in the CLECs' December 22, 1999 letter. In addition, Staff
requested written comments on or before January 10, 2000, "which address the nature of
the OSS testing procedures utilized in other states, including Pennsylvania, New York,

Florida, California and Texas to ensure openness of process, blindness and which address the extent and nature of involvement of all parties in the various phases of the testing process.” The Staff also requested information on how the various other state commissions “used their web-sites to assist in information dissemination to all participants involved in the testing process.”

As noted in the CLECs’ letter dated December 22, 1999, CGT had decided that some of the meetings that surround the ongoing planning activities for the third-party test of U S WEST OSS should not be openly held and that disclosure of the documentation of those meetings should be limited. These decisions will significantly diminish the value of the test effort and will jeopardize the results. Not only is limiting the flow of information bad policy for Arizona testing, it is also unprecedented in other jurisdictions across the country.

II. COMMENTS

A. Meetings Between CGT and U S WEST and CGT and CLECs Should Be Public

In other states that have begun to plan for OSS testing, and in those where testing is either underway or completed, openness of communications among the parties has been the rule rather than the exception. Openness is vital to the credibility of the test and the ultimate results and reports that the each State Commission will provide to the Federal Communications Commission (“FCC”) in its consultative role once the incumbent local exchange carrier (“LEC”) has filed its Section 271 application with the FCC. In the New York Public Service Commission (“NYPSC”) report to the FCC, three pages were devoted to the processes that the NYPSC used to maintain the independence of KPMG and Hewlett Packard (“HP”) throughout the test. (See pp. 31-34.) The emphasis on credibility underscores the concerns the NYPSC had and insisted its Staff

manage during the New York OSS testing. The United States Department of Justice complimented the NYPSC on the open testing environment that it created in comments filed by DOJ in the Bell Atlantic New York Section 271 application.

Because this test is an evaluation of U S WEST's OSS and operations, discussions between U S WEST and CGT should not be held privately. CGT is uniquely positioned to give perspective on what CLECs want to have the test demonstrate and what U S WEST wants it to demonstrate. Although both sides want to demonstrate the capabilities and capacities of U S WEST OSS and operations to satisfy the demands of the competitive local services marketplace, U S WEST would likely be more inclined to require only a minimal showing that competition can be supported, and CLECs are more inclined to require that the highest levels of competition are proven to be fully supported over time. The locus of the proper level of support is the point that CGT should be helping the Arizona Commission find. If CGT is not obligated to operate in the open, the Commission risks receiving a biased assessment of what is to be tested and what conditions are to be imposed. Moreover, the role of CGT as the author of the test report would be severely compromised were its meetings with the separate sides not held in public and the minutes of the meetings not produced for review by all parties.

1. Florida

Florida, having recently published its Third-Party Master Test Plan for Bell South's OSS, holds all meetings involving KPMG (the third-party tester) and the test participants in the open and meeting minutes are widely distributed via e-mail. Weekly conference calls remain the norm, with parties dialing in at set times with a set agenda to be accomplished. The Florida Commission's web site is also the repository for information about the test and planning activities.

2. New York

Communications between key participants in New York's test planning and execution have been ongoing back to early 1998 when the test planning activities were kicked-off. The NYPSC recognized the vulnerability of its test results were it to condone a practice of private meetings that kept testing information from being generally available to participants and interested parties. The Commission established its ground rules early in the process and maintained the policy of information sharing throughout more than fifteen months of testing.

3. Texas

Texas test planning meetings were universally open with participants by CLECs, SWBT, Staff and Telcordia, the third-party consultant to the Texas Commission and author of its report on the OSS test. The Texas Technical Advisory Group ("TAG") was established by the Texas Commission "in accordance with its desire to foster a collaborative approach." (*See* Public Utility Commission of Texas Southwestern Bell OSS Readiness Report at Section 1.1, Introduction, page 1.) The TAG included any CLEC operating in Texas, SWBT, Staff and Telcordia. The purpose of the TAG was to provide an industry-wide body of technical expertise to the Texas Commission to design and execute tests that were appropriate, accurate and fairly represented the requirements and interests of SWBT and the CLECs. (*Id.* at 3.2.1.) Several months of collaborative efforts that carved out the Master Test Plan were followed by weekly meetings (alternating between in-person and teleconference) throughout the duration of the test to review activities, identify and resolve problems and communicate the status of test activities.

While the intent in Texas was to have an open process, unfortunately, in practice openness was not always followed. In Texas, Telecordia prepared and published an Interim Report that omitted or failed to identify more than half of the issues AT&T was tracking on UNE-P testing. Telecordia was not logging all the important details of the testing; however, no one knew until the Interim Report was released. This made corrective action impossible. This problem would not have occurred if full and complete disclosure was required from the beginning.

4. California

In California, the California Commission also established a Test Advisory Board (“TAB”) to fulfill essentially these same roles as the Texas TAG for its third-party test.

5. ROC Collaborative

In the ROC test planning work that has been underway for several months, the active participation of CLECs, U S WEST and Commission Staff representatives has resulted in fundamental principles for the testing that will commence later this year. Moreover, the ROC TAG has specifically adopted testing principles that underscore the importance of open communications throughout the test effort.

Principle 4. – The goal of all parties to the ROC test of U S WEST OSS is an open, above-board test environment where all information relating to the test is available to all parties, except that information that is commercially sensitive or proprietary. To that end, the third-party tester will establish procedures concerning communications affecting the planning, conduct and evaluation of the test. These procedures will include regular, open meetings between the third-party tester, the P-CLEC, the CLEC community and ROC representative in a manner similar to the meeting held in the Bell Atlantic – New York test. Issue identification, research, resolution decisions, and other relevant items critical to the transparency of the test will be discussed and documented.

6. FCC Common Carrier Bureau

The FCC's Common Carrier Bureau advised U S WEST in September of its views on the content and manner of executing a third-party OSS test that would be consistent with prior determinations of the FCC in reviews of RBOC Section 271 applications. The Common Carrier Bureau Chief, Mr. Lawrence Strickling, made it clear that the involvement of CLECs in the planning and execution of the test is vital to the way in which the FCC will examine the results of the test.

“CLECs would be consulted in developing the test scenarios...”

“A third-party test of OSS should include a formal, predictable and public mechanism for the third-party tester to communicate to both the BOC and the CLEC community issues identified by the third-party tester that arise during the course of testing.”

“CLEC Participation: CLECs would have a role in the development of, and modifications to, the change management process.”

CGT has contended that it must have private meetings with U S WEST to hear concerns, to discuss scheduling and resolve issues related to the Arizona test. This cannot be supported in light of the success of testing in New York and Texas. Meetings between KPMG and BA-NY were always attended by NYPSC Staff and information about those meetings was openly discussed with CLECs; Texas TAG meetings involved any and all members who elected to participate in the face-to-face sessions or on the conference calls. Test scheduling involves all parties, so there is no benefit gained in having multiple meetings on the same subject, and there is an unacceptable risk that the discussions in the separate meetings will not be conveyed in the same way the second time. If U S WEST has concerns or if CGT has concerns, the TAG meetings are the place to air those concerns. There is no reason to blind CLECs to testing matters. The resolution of all testing issues should be slated for TAG discussions.

In New York, the information that was discussed in private between BA-NY and KPMG, such as BA-NY's assessment of competitive market transaction volumes, occurred only on a very few occasions and always under supervision of the NYPSC's Staff. In only one other case were KPMG and BA-NY meetings held that excluded CLECs – the sessions that were necessary to address the programming and system design of BA-NY's performance measurements computer systems. The NYPSC Staff determined that *it* would supervise these meetings that sought to unravel programming discrepancies and report the conclusions of the meetings to interested CLECs.

Meetings between HP and BA-NY that dealt with HP's development of the Test Transaction Generator to interface with BA-NY's systems were always scheduled in advance, and there was an open conference bridge that CLECs could call to monitor the meetings. *All* materials provided to HP by BA-NY in regard to the HP role were identified and documented on the NYPSC's web site with links to BA's site that held the technical documents.

The Pennsylvania Commission Staff managed the meetings between KPMG and BA-PA that were necessary to protect BA-PA's confidential business matters. Notice was provided to CLECs that reflected the nature of the discussions and information that was provided to KPMG.

B. Meetings between CLECs and CGT must be open and fully documented with the exception of meetings in which CLECs provide confidential business information to CGT and those where matters concern blindness of the test to U S WEST.

The need to provide transaction volume estimates that are derived from CLEC business plans will be required for the volume and stress testing parts of the Arizona test. The information from individual CLECs must be aggregated to provide a composite CLEC demand forecast for the test, as the volume thresholds are only meaningful once they are combined to represent industry demand. Once these data are collected and summarized under the supervision of Arizona Staff and under the terms of an appropriate confidentiality agreement, a private meeting between CLECs and CGT should be held to address any concerns or questions that CGT has relative to the sensitive business information. This meeting should be documented with minutes that reflect the nature of the discussions and the identity of participating CLECs.

Testing activities in Pennsylvania and New York each included a process whereby the volume forecasts of the CLECs were solicited, aggregated and discussed between CLECs and KPMG under the supervision of the Staffs of those Commissions. A confidentiality agreement had been executed by all parties to ensure the CLEC data was safeguarded when it was received and while in the possession of the Staff and KPMG.

In New York and Pennsylvania, there was provision made for meetings between CLECs and KPMG that excluded the Bell Atlantic company representatives. The Staffs believed it appropriate that CLECs not be impeded from fully discussing concerns with test and live transaction processing and that KPMG would benefit from direct interaction with CLECs. These meetings were held weekly for New York testing, with one meeting per month held in person. The Pennsylvania meetings were teleconferences that began

on a weekly basis and later changed to a bi-weekly arrangement. In all cases, minutes of the meetings were maintained by KPMG and distributed to interested parties, except Bell Atlantic. The benefits of open communication on a regular basis regarding these matters of significant complexity far outweigh any concerns about the amount of time spent by the parties in dealing with matters as they arise, rather than attempting to resolve them after testing is completed or when the final test report is published.

In Texas and California, the TAG/TAB structure served as the clearing house for discussions to be held on testing issues, and included the SBC operating unit's personnel, along with Staff and its testing consultants.

The TAG/TAB processes in other states are different from the Arizona TAG, as the other states did not, and do not, unnaturally restrict the amount of time spent and the parties that are involved in the meetings. CGT's stricture on the flow of information may make its administrative burden slightly less, but will result in an inferior test. For the foreseeable future, Arizona TAG meetings should last for at least two full days every other week. If, as the testing process matures, meeting agendas lighten, the TAG meeting duration and frequency issues can be revisited. Generally, TAG meetings should be face-to-face, considering that by investing more time in TAG meetings the result will be an improvement in the overall test planning process and production of better test results.

The need to maintain blindness to U S WEST throughout the test is likewise critical to the credibility of the test. If U S WEST were to be able to recognize OSS transactions that emanate from the test as distinguished from live transactions from CLECs in production environments, U S WEST would be positioned to discriminately provide preferential processing of the test transactions. Blindness extends to CLEC meetings in that CLECs must interact with CGT on matters involving coordination of

CLEC facilities that are used in the course of the test, scheduling of personnel, test transaction generation and volume increases. As these test matters require coordination between CGT and the involved CLECs, the meetings in which they are discussed and resolved cannot be open to U S WEST. Meeting minutes must be made and maintained by CGT and published at the conclusion of the test.

Testing in Texas, New York and Pennsylvania brought to light the need to establish blindness principles that hid information from the incumbent LEC that could have created the opportunity for preferential treatment of test orders. Loop hot cuts in New York were coordinated between KPMG and participating CLECs so that observations could be made of BA-NY's provisioning of the cut-over process without prior notice to BA-NY. The test results noted by KPMG were provided to the NYPSC Staff for review and verified against the experience other CLECs were having for the same activities. Observing actual CLEC representatives in generating pre-ordering inquiries was done at CLEC locations without notice to BA-NY to validate the results of KPMG's testing of the BA-NY pre-ordering interface. The rationality of test results was assured by a strongly enforced process which ensured blindness from BA-NY's perspective. The Arizona Commission should insist that such a process be adopted in the Arizona test.

1. New York

KPMG met with New York CLECs on a near-weekly basis with meeting minutes distributed to participants that included Staff, United States Department of Justice officials, CLEC participants, KPMG personnel and HP personnel. When it was necessary to schedule specific testing or to acquire CLEC resources, the meeting accommodated those needs. Meetings to work out details of CLEC-specific test

requirements were held between KPMG and the specific CLEC. No information was provided to BA-NY regarding any of the special test requirements, since the blindness requirement was of paramount importance to the Staff and KPMG.

2. Pennsylvania

In Pennsylvania, meetings (usually in the form of conference calls) between KPMG and CLECs also were held weekly for the first four months of the test planning and execution phases and were then shifted to biweekly sessions to discuss progress, problems and issues that enabled CLECs to contribute perspectives and issues for resolution. Here, once again, the Staff insisted on creating a shield that kept BA-PA out of the flow of information regarding tests that were to be conducted on scheduled dates with specific CLEC facilities. The blindness to BA-PA was a ground rule that the Staff consistently enforced.

3. Texas

Texas test planning featured an open dialogue between parties on the design and development of the test scope and dimensions. These dialogues were in the framework of the Commission's ordered collaboratives to resolve OSS issues in the review of SWBT's Section 271 case. SWBT was less blind to the testing compared to BA in New York and Pennsylvania, yet the nature of the Telcordia testing (*i.e.*, observing the processing of transactions that involved separate CLECs and separate product groups for UNE-P, UNE-L and resale transactions) enabled some of the tests to be started without SWBT's advance knowledge and preparation.

4. Florida

In Florida, test planning has recently culminated in this completion of the Master Test Plan, with the active participation by CLECs, Bell South, the Florida Commission

Staff and KPMG – the test manager. The blindness of Bell South to all test transactions has not yet been required.

C. Interactions Between U S WEST and HP Should Be Open to Public View

The main reason to have communications between U S WEST and HP open and fully disclosed is to make sure that CLECs are aware of the type of assistance made available to HP and that is available to them in the building of interfaces allowing interoperation with U S WEST. The interfaces that U S WEST makes available, in particular, the application-to-application electronic interfaces, are complicated and complex systems. To build its side of the interface, a CLEC must have its own back-office systems that house customer and network information databases that are able to create and respond to transactions that convey the OSS information between the CLEC and U S WEST systems. The preparation of a work plan to develop interfaces that meet U S WEST specifications is typically many months in duration and compels interactions between the CLECs and U S WEST on business rules, technical data specifications, data communications formats and security protocols. All of these are complex interactions that must be carried out fully by both sides.

The first part of the FCC's evaluation of a Section 271 applicant's OSS interfaces deals specifically with whether the RBOC has provided competitors with sufficient information so that competitors can use the systems. This includes the documentation and support personnel that the RBOC provides to CLECs. Since HP is the pseudo-CLEC whose efforts are to be considered as the basis for a conclusion on this point, it is mandatory that the level of documentation and support provided to HP be evaluated and compared with the documentation provided to CLECs. It is only practical to have the type and nature of support provided to HP documented and made available to parties so

that CLECs can evaluate for themselves whether the support each received is consistent with that provided by U S WEST to HP. If CLECs determine that additional assistance is available from U S WEST they can request it. If U S WEST provides support to HP that it will not provide to CLECs, the Commission must consider this a material fact in evaluating whether U S WEST's OSS interfaces comply with the FCC's initial concern.

1. New York and Pennsylvania

In New York and Pennsylvania, HP's meetings with BA-NY were held on a scheduled basis to discuss and resolve issues that were needed to enable HP to build the Pseudo-CLEC interface. The meetings were held with an open conference call bridge (the dial in numbers were noticed to CLEC and Staff in advance) that other parties could monitor. All documents provided to HP for its efforts in building the interfaces (*i.e.*, OSS Baseline Documentation) were listed on the Commission's web site and later provided as a link to the BA web site.

2. Texas

The Texas test did not employ a Pseudo-CLEC so the issue of the usability, documentation and support for SWBT interfaces had to be resolved in other ways.

3. California

Testing in California involves a test transaction generator that has been engaged to build the OSS interfaces. Meetings between the Test Transaction Generator and Pacific Bell are observed occasionally by Staff and are closed to CLEC participation. Objections to this arrangement have been raised and have not yet been resolved by the California Commission.

4. Florida

The Florida test will use a Pseudo-CLEC and it is planned that meetings between Bell South and the Pseudo-CLEC will be open and fully documented.

5. **ROC Collaborative**

The ROC TAG affirmed its commitment to making the interactions between the Pseudo-CLEC and U S WEST fully open by establishing its commitment.

Principle 8. – All documentation and assistance made available to the P-CLEC by U S WEST for use by the P-CLEC in building and/or setting up the required OSS interfaces will be made available to all participants to verify that the P-CLEC is not being given special treatment.

D. **Third-Party OSS Test Documentation Should Be Made Available To All Parties Using The Most Efficient Means Possible.**

Using the Commission's site on the world-wide web is the most efficient means to make available the large bodies of information that derive from the third-party OSS test as it moves from inception to completion. Electronic mail systems that now provide informational notices regarding meetings, availability of web-site updates and status information are effective and efficient tools to efficiently communicate among test participants. The efficiencies with which parties can stay informed as to test progress and developments increases the effectiveness of the test and should serve to increase the value of the information developed about the operational readiness of U S WEST's systems and operations. Both of these devices should be adopted by the Commission in the ground rules for the Arizona test.

1. Florida

In Florida, the Commission has developed its web-site resource to house critical information and relies on e-mail to distribute information about the test.

2. New York

In the New York test, KPMG maintained and managed the e-mailing of meeting notices and minutes of the CLEC-KPMG meetings, ensuring that participants received adequate and timely notices so their participation in conference calls and face-to-face meetings was at the level of their choosing. The NYPSC web-site was the repository (and remains so today) of all test exceptions and the records that pertain to them; test documentation that began with the initial requests for proposals to engage vendors in the test and that concluded with the Commission's consultative report to the FCC were provided on the NYPSC web-site.

3. Pennsylvania

The Pennsylvania Commission makes excellent use of web technology to maintain and manage information about the OSS testing project. Its reliance on e-mail, with the cooperation of KPMG in maintaining and managing mailing lists, make the process of being informed an efficient one.

4. Texas

The Texas Commission used the web extensively to provide final information about the SWBT OSS test, but made wide-spread use of e-mail for status notices, meeting agendas and information sharing during the course of the test.

5. California

The California test relies solely on e-mail for distribution of information about the meetings, testing issues, and status of issues. None of the California Commission's web sites are used to provide information about the test.

6. FCC Common Carrier Bureau

In the Common Carrier Bureau advisory notice to U S WEST mentioned above, Mr. Strickling pointed out in the section that deals with Dissemination of Information that the mechanism used should be formal, predictable and public. All of these are attributes that can be ascribed to well-planned and administered web databases and e-mailing protocols that should be adopted.

7. NRRI

NRRI published its "Third-Party Testing Of Operational Support Systems: Background And Related Materials" (Frank Darr; August 1999), which provides advice and recommendations for NARUC members and other interested parties on the subject. Interestingly, the document's companion CD-ROM provides a compendium of testing information and documentation from New York, Texas and other jurisdictions that it obtained directly from the web sites of the Commissions. The ease of access and the reliability of the retrieved information underscores the usefulness of these systems for providing testing information.

III. CONCLUSION

The Commission Staff should resolve concerns being raised by the CLECs regarding meetings and the flow of information by adopting policies and procedures that

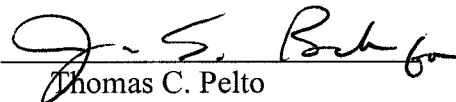
favor openness. The decisions made by CGT and Staff that enable meetings to be privately held and the details of those to be restricted from test participants endanger the credibility of the Arizona third-party OSS test of U S WEST's systems. Many future decisions will be made on the basis of test findings, and those findings should be sufficiently grounded in independence and factual support. Each of the other state commissions that have been wrestling with OSS testing have found that freely flowing information is good public policy improves the quality of the test results, and should govern the testing process.

Meetings that are a necessary part of such a complex undertaking cannot be artificially constrained by time and participation limits. CGT's role as the test administrator should be (as has been successfully been demonstrated in New York and Pennsylvania) manager of the collaborative industry process and not a maker of rules that curb effective interaction. Arizona TAG meetings should be increased in frequency and duration until far more of the issues are resolved. Staff's participation in the TAG meetings should allow it to determine, in concert with industry representatives, when TAG meetings should become less frequent and shortened.

Meeting notices and minutes should be electronically distributed in a timely manner and the Arizona Commission's web site should be used as the repository for all OSS test information. The Commission site should also be linked to U S WEST's site where technical documentation (*e.g.*, IMA GUI and EDI interface documentation and user support information) about all of its systems, operating procedures and interface documentation is located.

RESPECTFULLY SUBMITTED this 10th day of January, 2000.

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CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of AT&T and MCIW's Comments on Selection Criteria were filed this 10th day of January, 2000, with:

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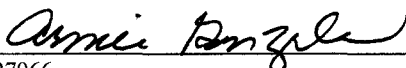
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